

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CENTER OF HOPE CHRISTIAN
FELLOWSHIP, LOCAL, CHURCH OF GOD IN
CHRIST,

Plaintiff,

vs.

WELLS FARGO BANK NEVADA, N.A. et al.,

Defendants.

3:11-cv-0173-RCJ-VPC

**TEMPORARY
RESTRAINING ORDER**

Plaintiff sued Defendants in state court to stop a trustee's sale of its real property, a church. The state court issued a temporary restraining order ("TRO") and set a hearing for preliminary injunction, but Defendants removed in the meantime. The state court TRO is set to expire today, and Plaintiff has filed an Ex Parte Motion for Temporary Restraining Order (ECF No. 5). After a cursory review of the state court filings attached to the notice of removal, it appears that the entity that filed the notice of default ("NOD") was neither the beneficiary nor the trustee on the deed of trust. The foreclosure was therefore potentially statutorily invalid. *See* Nev. Rev. Stat. § 107.080(2)(c). Furthermore, both the promissory note and deed of trust in this case include binding arbitration clauses, and Plaintiff alleges Defendants have failed to honor its demand to arbitrate. The foreclosure was therefore potentially contractually invalid, as well. The loss of title to real property constitutes irreparable harm. A pending trustee's sale is

1 currently prevented only by the soon-to-expire state court TRO. (*See* Washington Aff. ¶ 17, Mar.
2 10, 2011, ECF No. 5-1). For these reasons, Plaintiff has satisfied the standard for obtaining
3 preliminary injunctive relief, *see* Fed. R. Civ. P. 65(b); *Winter v. NRDC*, 555 U.S. 7, 129 S. Ct.
4 365, 374 (2008), and the Court grants the motion.

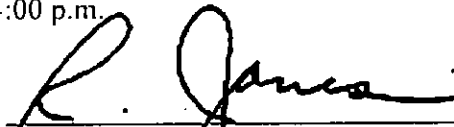
5 **CONCLUSION**

6 IT IS HEREBY ORDERED that the Ex Parte Motion for Temporary Restraining Order
7 (ECF No. 5) is GRANTED.

8 IT IS FURTHER ORDERED that no party shall sell or otherwise transfer title to the
9 property located at 1327 Pyramid Way, Sparks, County of Washoe, Nevada before 5:00 p.m. on
10 March 15, 2011. A preliminary injunction hearing will be held at 12:00 p.m. on that date in
11 Reno Courtroom 6.

12 IT IS SO ORDERED.

13 Dated this 10th day of March, 2011, 4:00 p.m.

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15 ROBERT C. JONES
16 United States District Judge
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